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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/647,668

08/25/2003

Fujio Akahane

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SUGHRUE-265550  
2100 PENNSYLVANIA AVE. NW  
WASHINGTON, DC 20037-3213

EXAMINER

CRANE, DANIEL C

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

08/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/647,668	<b>Applicant(s)</b> AKAHANE ET AL.	
	<b>Examiner</b> Daniel C. Crane	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6-16, 19-22 and 24-34 is/are allowed.
- 6) ☒ Claim(s) 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3725

**PRIOR ART**

The prior art of record is still applicable against a claim in the application. Accordingly, the following Office Action is made of record. It is regretted that the prior art had not been cited against the claim sooner. The indication of allowance of claim 23 is withdrawn.

**REJECTION OF CLAIMS OVER PRIOR ART**

Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Widell (2,825,407). See Figures 7-9 where the guide member 70, 74 and 76 establishes the “projections” since they *project* from the spacers 80, 78 and 68. These “projections” 70, 74 and 76 are provided with apertures 72 that facilitate guiding of the punches 116. The configuration of the first face of the plate member (work piece) where a bottom face with a recess having a slope face does not impact the apparatus construction. In this regard, the claimed apparatus having a male die and a guide member with projections is fully shown by Widell and the intended use of the apparatus on a work piece of a specific configuration does not further limit the features of the apparatus. Accordingly, Widell’s punching apparatus has the capability of punching a work piece (plate member) having a bottom face with a recess having a slope face. Accordingly, the punching apparatus of claim 23 is shown by the prior art.

**WITHDRAWAL OF NON-ELECTED CLAIMS**

Claims 17 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 17, 2005.

### **INDICATION OF ALLOWABLE SUBJECT MATTER**

Claims 1-4, 6-9, 11, 12, 14-16, 28 and 29, previously found unpatentable over Widell, alone, are allowed, because the reference does not show that a gap continues from a first side face of one of the adjacent punches to a side face of the adjacent punches in the first direction with a guide member formed with projections that support at least one of the first side face and the side face of the adjacent punches between which the gap continues in the first direction.

Claims 10, 13, 19-22, 24-27 and 30-34 are allowed.

### **RESPONSE TO APPLICANT'S COMMENTS**

Applicant's comments have been considered, however, they are moot in light of the allowance of the claims.

### **INQUIRIES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516. The examiner's office hours are 7:00AM-3:30PM, Monday through Friday.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (571) 273-8300. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is (571) 273-4516.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 3725

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DCCrane  
August 23, 2007

A handwritten signature in black ink, appearing to read 'DCCrane', with a long horizontal flourish extending to the right.

**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3725